

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: Mail

**Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 03/23/2005

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Suite 3400  
Four Embarcadero Center  
San Francisco, CA 94111-4187

06/28/2005 FFANAI3 00000118 09940279

01 FC:1501 1400.00 DP  
02 FC:1504 300.00 DP  
03 FEE:800 APPLICATION NO. FILING DATE

FIRST NAMED INVENTOR

ATTORNEY DOCKET NO.

CONFIRMATION NO.

09/940,279

08/27/2001

Nicholas S. Waylett

A-70598/MSS/WEN

4556

TITLE OF INVENTION: TOWER TOP CELLULAR COMMUNICATION DEVICES AND METHOD FOR OPERATING THE SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional	NO	\$1400	\$300	\$1700	06/23/2005
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EXAMINER	ART UNIT	CLASS-SUBCLASS
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SMITH, CREIGHTON H	2645	455-562000
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1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 DORSEY & WHITNEY LLP

2 \_\_\_\_\_

3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

InterWave Communications International Ltd. Hamilton, Bermuda

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

4a. The following fee(s) are enclosed:

Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies 3

4b. Payment of Fee(s):

A check in the amount of the fee(s) is enclosed.  
 Payment by credit card. Form PTO-2038 is attached.  
 The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-2319 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*Maria S. Swiatek*

Date June 23, 2005

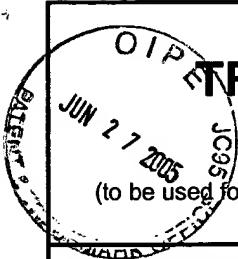
Typed or printed name

Maria S. Swiatek

Registration No. 37,244

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application No.	09/940,279
Filing Date	August 27, 2001
First Named Inventor	Nicholas S. WAYLETT
Examiner Name	SMITH, CREIGHTON H
Group Art Unit	2645

Attorney Docket No. A-70598/MSS (467282-00134)

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> (4) sheets Formal Drawing(s) and Letter to Official Draftsperson	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Form PTOL-85B, Check No. 303112 in the amount of \$1,709 (\$1,400 for Issue Fee at Large Entity rate, \$300 for Publication, \$9 for advance copies), and a self-addressed stamped return postcard.
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, No. of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Maria S. Swiatek, Esq., Reg. No. 37,244 DORSEY & WHITNEY LLP 4 Embarcadero Center, Suite 3400 San Francisco, CA 94111-4187 Telephone : 650 494 8700	Customer Number 32940
Signature		
Date	June 23, 2005	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

6/23/05

Typed or printed name	Kari Bateman		
Signature		Date	June 23, 2005

1090167

Effective on 12/08/04



# FEE TRANSMITTAL SHEET (FY 2005)

Applicant claims small entity status (see 37 C.F.R. 1.27)

Atty. Docket Number **A-70598/MSS (467282-00134)**

## METHOD OF PAYMENT (Check One)

Check       Credit Card       Money Order  
 Deposit Account No.: **50-2319**  
 Deposit Account Name: **DORSEY & WHITNEY LLP**  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
 Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17  
 Credit any overpayments  
 Other (please identify):

## Extra Claim Fees

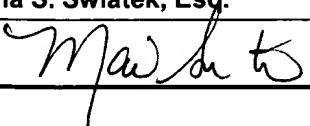
Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims			x \$	= \$
<b>Subtotal (Extra Claims)</b>				<b>\$</b>

## Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

Petition Fee under 37 CFR 1.17(f)      **Fee \$400**  
 § 1.53(e) to accord a filing date.  
 § 1.57(a) to accord a filing date.  
 § 1.182 for decision on a question not provided for.  
 § 1.183 to suspend the rules.  
 § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.  
 § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.  
  
 Petition Fee under 37 CFR 1.17(g)      **Fee \$200**  
 § 1.12 for access to an assignment record.  
 § 1.14 for access to an application.  
 § 1.47 for filing by other than all inventors or person not the inventor.  
 § 1.59 for expungement of information.  
 § 1.103(a) to suspend action in an application.  
 § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail.  
 § 1.295 for review of refusal to publish a statutory invention registration.  
 § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.  
 § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.  
 § 1.550(c) for request for ext. of time in ex parte reexam. proceedings.  
 § 1.956 for request for ext. of time in ex parte reexam. proceedings.  
 § 5.12 for expedited handling of foreign filing license.  
 § 5.15 for changing the scope of a license.  
 § 5.25 for retroactive license.  
  
 Petition Fee under 37 CFR 1.17(h)      **Fee \$130**  
 § 1.19(g) to request documents in a form other than provided in this part.  
 § 1.84 for accepting color drawings or photographs.  
 § 1.91 for entry of a model or exhibit.  
 § 1.102(d) to make an application special.  
 § 1.138(c) to expressly abandon an application to avoid publication.  
 § 1.313 to withdraw an application from issue.  
 § 1.314 to defer issuance of a patent.

Submitted by:

CUSTOMER NUMBER <b>32940</b>	DORSEY & WHITNEY LLP	
Name: <b>Maria S. Swiatek, Esq.</b>	Phone No.: <b>650-494-8700</b>	Fax No.: <b>650-494-8771</b>
Signature: 	Reg. No.: <b>37,244</b>	Date: <b>June , 2005</b>

<b>Complete if Known</b>			
Application No.	<b>09/940,279</b>		
Filing Date	<b>August 27, 2001</b>		
First Inventor	<b>Nicholas S. WAYLETT</b>		
Group Art Unit	<b>2645</b>		
Examiner Name	<b>SMITH, CREIGHTON H</b>		

Atty. Docket Number	<b>A-70598/MSS (467282-00134)</b>
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## FEE CALCULATION (Continued)

3. ADDITIONAL FEES			
Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	
130	65	Surcharge - Late nonprovisional filing fee or oath	
180	180	Submission of IDS	
40	40	Recording each patent assignment per property (times number of properties)	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
790	395	Submission After Final 1.129	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1,000	500	Request for oral hearing	
110	55	Terminal Disclaimer Fee	
800	400	Design Issue Fee	
1400	700	Issue Fee	<b>1400.00</b>
790	395	Request for Continued Examination (RCE)	
130	65	Request for voluntary publication or republication	
500	250	Petition to Revive - unavoidable	
1,500	750	Petition to Revive - unintentional	
200		Filing for patent term adjustment	
400		Request for reinstatement of term reduced	
1,120		Extension of term of patent	
OTHER FEE (specify)		Publication Fee - \$300 and (3) three additional soft copies -\$9)	309.00
		Subtotal (Additional Fees)	<b>1709.00</b>

**Total Amount of Payment: \$1709.00**